

IN THE UNITED STATES SUPREME COURT

OCTOBER TERM, 1989

JOHN EDWARD SWINDLER,

PETITIONER

VS.

A. L. LOCKHART, DIRECTOR OF
ARKANSAS DEPARTMENT OF
CORRECTIONS,

RESPONDENT

No. _____

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
APPEALS FOR THE EIGHTH CIRCUIT

APPENDIX V
Psychological Evaluation
John Swindler

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ARKANSAS STATE HOSPITAL

SWINDLER, JOHN EDWARD 113146

113146
October 22 & 25, 1976

PSYCHOLOGIST'S REPORTS

PSYCHOLOGICAL EVALUATION #10-76-43

REFERENCE: V. Taylor, M.D.

REASON: Mr. John Swindler faces criminal charges. He is referred for evaluation of indications of psychosis for use relative to diagnosis and evaluation of competence.

PROCEDURES: Mr. Swindler was seen on two occasions for purposes of administration of tests and observation of behavior. Records indicated that he was illiterate and will not be able to take the Minnesota Multiphasic Personality Inventory. This was confirmed through administration of the Reading Subtest of the Wide-Range Achievement Test on which Mr. Swindler obtained a reading grade placement of first year seventh month, well below the level required to take the MMPI. He was administered the Rorschach Inkblot Designs Test, the Draw-A-Person Test and the Wechsler Adult Intelligence Scale.

BEHAVIORAL OBSERVATIONS: On both occasions when he was seen Mr. Swindler was well oriented to time, place and person. He followed a logical, relevant train of thought in describing his history, his activities during the framework of his alleged offense and his current circumstances. He was aware of the charges against him and possible consequences if found guilty, and the purpose of this evaluation. He was fairly pleasant during the evaluation procedure; however, his level of effort and cooperation varied as will be noted below.

The most prominent features of Mr. Swindler's accounting of his history was frequent conflict with authority and a lack of remorse over any harm that he had brought to others. He denied any specific symptoms of mental or emotional illness, other than to state that he was somewhat nervous and then commented "Who wouldn't be with the charges I've got."

PERSONALITY FEATURES: Mr. Swindler's approach to the Rorschach was generally resistive and negativistic. His response to the first card was typical "Nothing...I don't do for this stuff. It's an inkblot." He responded similarly to all ten cards and appeared to be somewhat irritated that he was pressed in turn after he had commented that he was not going to see anything in any of them. On the second day that he was seen a follow-up approach to the Rorschach was employed. In this procedure a few of the various popular responses given by others were mentioned to Mr. Swindler and he was able to point out in the blot where he thought others probably would see the particular percept mentioned. No psychotic material was elicited on either administration of the Rorschach.

In response to the request to Draw-A-Person, Mr. Swindler commented that he was not much of an artist. He approached the task somewhat reluctantly. However, he produced an adequate drawing with no bizarre or unusual distortions of the human figure.

The Wechsler Adult Intelligence Scale was administered in order to obtain a

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FORM NO. 1020 (7-64)

100-4-10-1020-770214

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sample of Mr. Swindler's behavior under the more structured circumstances afforded by this test. He did perform much more readily and with greater enthusiasm on this task, particularly the performance sections. Early in the test, on the verbal portions, he did have a rather low level of effort, appeared to be giving up rather easily and answering quite frequently with "I don't know." It is noted that he obtained a Full-Scale I.Q. estimate of 90, with a Verbal Scale Score of 83, Performance Scale Score of 101. The Verbal Scale Score is probably unduly low, reflecting his lower level of motivation in taking these tasks. Overall it was felt that he has at least average potential as indicated by the Full Scale Score. Of most interest on this test was Mr. Swindler's ability to attend to the tasks, to follow directions and comprehend what was required of him. No bizarre or unusual behavior was noted during the hour devoted to his taking this particular test.

SUMMARY: Current psychological evaluation gives no indications of the presence of psychotic thought processes. These data suggest the diagnosis of antisocial personality.

John C. Althoff
John C. Althoff, Ph.D.
Chief Psychologist

JCA/mlr

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